

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
06-CR-192A

HOI YAN HO,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A) on July 21, 2006. Defendant filed a motion to suppress on July 28, 2006. On December 2, 2008, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that the defendant's motion be denied.

Defendant filed objections to the Report and Recommendation on January 5, 2009, and the government filed a response thereto. Upon the parties' request, the matter was deemed submitted on the papers as of March 5, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress is denied.

The parties shall appear before this Court on March 31, 2009 at 9:00 a.m. for a meeting to set a trial date.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 30 , 2009